

HOUSE BILL 3245
By Beavers

AN ACT to amend Chapter 344 of the Private Acts of 1974; and any other acts amendatory thereto, relative to the general sessions, probate and juvenile court in and for Marshall County.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 344 of the Private Acts of 1974 and any other acts amendatory thereto, is amended in Section 1 by designating the existing language as subsection (a) and by adding the following as a new subsection (b):

(b) Notwithstanding the foregoing, effective on the first day of April, 1997, the probate court of Marshall County shall cease to exist as a separate court and the jurisdiction of the probate court of Marshall County shall be transferred to the chancery court of Marshall County.

SECTION 2. Chapter 344 of the Private Acts of 1974 is amended in Section 5 by designating the existing language as subsection (a) and by adding the following as a new subsection (b):

(b) The county legislative body of Marshall County by resolution duly adopted, shall cause the transfer of the clerking duties of the county clerk which relate to the probate court of Marshall County and the juvenile court of Marshall County in accordance with this subsection. The county legislative body shall transfer the clerking duties relating to the probate court from the county clerk to the clerk and master when adequate space is available to accommodate this transfer, but not later than the first day

of April, 1997, whereupon the clerking duties of the clerk and master relating to probate matters shall be conducted as part of chancery court jurisdiction in accordance with general law. The county legislative body shall transfer the clerking duties relating to the juvenile court from the county clerk to the circuit court clerk when adequate space is available to accommodate this transfer. When the circuit court is acting as clerk of the juvenile court, the circuit court clerk shall be designated as the clerk of the juvenile court of Marshall County, Tennessee, and shall acquire and maintain a seal containing such designation. The clerk of the juvenile court shall maintain records of this office separate from the other records maintained by the circuit court clerk. Any fees received by the circuit court clerk when acting as clerk of the juvenile court shall be accounted for and disbursed as other fees of the circuit court clerk.

SECTION 3. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Marshall County. Its approval or non-approval shall be proclaimed by the presiding officer of the county legislative body and certified to the secretary of state.

SECTION 4. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 3.

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